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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,638	09/07/2000	Michael Naimark	INT1P206	1636

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EXAMINER
PUNIT, PRAKASH C

ART UNIT	PAPER NUMBER
2175	4

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
Office Action Summary		09/656,638	NAIMARK ET AL.
		Examiner	Art Unit	
		Prakash C Punit	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐   Responsive to communication(s) filed on _____ .

2a)☐   This action is **FINAL**.   2b)☒   This action is non-final.

3)☐   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
       closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒   Claim(s) <u>*1-20*</u> is/are pending in the application.

      4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐   Claim(s) _____ is/are allowed.

6)☒   Claim(s) <u>*1-20*</u> is/are rejected.

7)☐   Claim(s) _____ is/are objected to.

8)☐   Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐   The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

      If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

      a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

      a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or

[handwritten signature: DOV POPOVICI]
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>*2 & 3*</u> .		6) ☐ Other: .	

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by <u>Eichstaedt et al.</u>

(U.S. Patent No.6,385,619).

As to claim 1, <u>Eichstaedt et al.</u> teaches a method of disseminating (i.e. presenting to the

users) to a participant an indication that an item accessible by the participant via a network is of

current interest (see Abstract), comprising:

receiving in real time an indication that the item is of current interest (see Abstract; see

column 1, lines 43-55; where "real time" is read on "non-static information");

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20);

and informing the participant that the item is of current interest (see Fig. 2, element 64; see

column 1, lines 56-62; also see column 3, lines 18-20).

As to claim 2, <u>Eichstaedt et al.</u> teaches a method, wherein processing the indication

comprises determining an intensity value (i.e. numerical value) for the indication based on at

least one attribute of the indication (see column 3, lines 29-38), the intensity value (i.e. numerical

value) representing the weight that will be given to the indication (see column 3, lines 49-54).

As to claim 3, <u>Eichstaedt et al.</u> teaches a method, wherein processing the indication

further comprises calculating an intensity rank for the item based at least in part on the intensity

value (i.e. numerical value) of the indication (see column 3, lines 28-64), the intensity rank

indicating the level of current interest of the item relative to other items (see column 3, lines 49-

53; where "intensity rank" is read on "weight").

As to claim 4, <u>Eichstaedt et al.</u> teaches a method, further comprising:

associating the item with a category of interest to which the item relates (see column 2,

lines 42-48);

receiving from the participant a selection of one or more categories of interest to

the participant (see column 2, lines 20-37);

identifying all items of current interest within the selected categories (see column 3, 39-50; also see column 4, lines 31-39);

ranking the identified items of current interest (see column 3, lines 49-54; also see column 4, lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank (see column 1, lines 46-55; where "intensity rank" is read on "interest score").

As to claim 5, Eichstaedt et al. teaches a method, further comprising receiving a comment relating to the item (see column 3, lines 52-54; where "comment" is read on "user clicks on various parts of a document").

As to claim 6, Eichstaedt et al. teaches a method, further comprising receiving data identifying the source of the indication (see column 3, lines 15-20; where access analyzer and profile generator analyze information about the user indicates that the source is identified and request is processed and sent back to the user).

As to claim 7, Eichstaedt et al. teaches a method, further comprising associating the item with a category of interest to which the item relates (see column 2, lines 42-65).

As to claim 8, <u>Eichstaedt et al.</u> teaches a method, wherein the item is associated with a category of interest identified by the source of the indication (i.e. user) of current interest (see column 3, lines 49-60).

As to claim 9, <u>Eichstaedt et al.</u> teaches a method, wherein the item is one of a plurality of items (i.e. specific documents) of current interest (see column 1, lines 52-55; also see column 3, lines 10-14), further comprising:

associating the item with a category of interest to which the item relates (see column 2, lines 42-65);

receiving (i.e. system generating profile) from the participant a selection of one or more categories of interest to the participant (see column 4, lines 31-43); and

identifying all items of current interest within the selected categories (see column 1, lines 39-42; also see column 2, lines 20-65).

As to claim 10, <u>Eichstaedt et al.</u> teaches a method, further comprising:

Ranking (i.e. weight) the identified items of current interest (see column 3, lines 49-54; also see column 4,lines 4-10); and

sending to the participant a list of items of current interest in rank order, the list including at least one of the identified items of current interest (see column 4, lines 30-39);

As to claim 11, <u>Eichstaedt et al.</u> teaches a method, wherein the ranking of each item (see column 3, lines 49-52) is based, at least in part, on the extent to which the categories selected by the participant match the categories associated with the item (see column 4, lines 4-28).

As to claim 12, <u>Eichstaedt et al.</u> teaches a method, further comprising receiving an indication of the participant's sensitivity with respect to each category of interest to the participant (see Abstract; see column 1, lines 35-55), whereby an indication of a relatively low level of sensitivity (i.e. low weight) indicates the participant does not want to be informed that an item is of current interest unless one or more indications have been received that indicate a relatively high level of current interest (i.e. high weight) with respect to an item in the corresponding category (see column 4, lines 31-55) and an indication of a relatively high level of sensitivity (i.e. high weight) indicates the participant wants to be informed that an item is of current interest even if only one indication indicating a relatively low level of current interest (i.e. low weight) has been received with respect to an item in the corresponding category (see column 4, lines 4-28; also see column 5, lines 2-29).

As to claim 13, <u>Eichstaedt et al.</u> teaches a method, further comprising:

ranking the identified items of current interest (see column 3, lines 49-54; also see column 4,lines 4-10); and

sending to the participant a ranked list including at least one of the identified items of current interest (see column 4, lines 30-39);

wherein the ranking of each item is based, at least in part, on the sensitivity of the

participant with respect to each category associated with the item (see column 1, lines 46-55;

where "intensity rank" is read on "interest score").

As to claim 14, <u>Eichstaedt et al.</u> teaches a method, wherein the item is identified by a

Uniform Resource Locator (URL) (see column 5, lines 58-60; where system works in an HTML

and XML browser environment implies the topics can be identified by URL).

As to claim 15, <u>Eichstaedt et al.</u> teaches a method, further comprising storing data (i.e.

database 60) relating to the indication in a database (see Fig. 2, element 60; see column 3, lines

8-15).

As to claim 16, <u>Eichstaedt et al.</u> teaches a method, further comprising determining the

weight to be given to the indication (see column 3, lines 49-60).

As to claim 17, <u>Eichstaedt et al.</u> teaches a method, wherein the indication (i.e. content

viewed by user) is received automatically if a participant accesses the item (see column 1, lines

41-44; also see column 2, lines 15-19).

As to claim 18, <u>Eichstaedt et al.</u> teaches a method, further comprising providing one or

more participants with an interface (i.e. Browser Client 56) to send an indication that an item is

of current interest (see Fig. 2; also see column 3, lines 7-10).

As to claim 19, <u>Eichstaedt et al.</u> teaches a system for disseminating (i.e. presenting to the users) to participants an indication that an item accessible by the participant via a network is of current interest (see Abstract), comprising:

a computer configured to receive in real time an indication that the item is of current interest (see Fig. 2; see column 3, lines 7-18; also see column 1, lines 52-55); process the indication (see column 3, lines 20; where "process" is read on "analyze and profile generation"); and inform the participant that the item is of current interest (see Fig. 2, element 64; see column 1, lines 56-62; also see column 3, lines 18-20); and

a database (60), associated with the computer, configured to store data relating to the item (see column 3, lines 7-15; where "data" is read on "documents").

As to claim 20, <u>Eichstaedt et al.</u> teaches a computer program product for disseminating (i.e. presenting to the users) to a participant an indication that an item accessible by the participant via a network (i.e. web) is of current interest (see column 1, lines 35-55), the computer program product being embodied in a computer readable medium (see column 3, lines 7-11) and comprising computer instructions for:

receiving in real time an indication that the item is of current interest (see Abstract; see column 1, lines 43-55; where "real time" is read on "non-static information");

processing (i.e. analyzing and profile generating) the indication (see column 3, lines 20);

and informing the participant that the item is of current interest (see Fig. 2, element 64; see

column 1, lines 56-62; also see column 3, lines 18-20).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

The following patents are cited to further show the state of art with respect method of

alerting users to items of current interest in general:

U.S. Patent No. 6,385,619 to Eichstaedt et al. - teaches user interest profile generation

U.S. Patent No. 6,208,989 to Dockter et al. - teaches ranking based on weight

U.S. Patent No. 5,535,382 to Ogawa - teaches ranking of documents

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Prakash Punit whose telephone number is (703) 305-5914. The

examiner can normally be reached on Mondays – Fridays from 9:45 am to 6:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax numbers of the group is

(703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703) 305-9600.

Prakash Punit
Patent Examiner

Au 2175

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